

**Attorneys General of Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland,
Massachusetts, New York, Oregon, Pennsylvania, Rhode Island, Vermont and
Washington D.C.**

March 30, 2017

Hon. Rodney Frelinghuysen, Chair
Hon. Nita Lowey, Ranking Member
House Committee on Appropriations
H-305, The Capitol
Washington, DC 20515

Hon. Thad Cochran, Chair
Hon. Patrick Leahy, Vice-Chair
Senate Committee on Appropriations
S-128, The Capitol
Washington, D.C. 20510

Re: Proposed Funding Reductions for the Environmental Protection Agency

Dear Representative Frelinghuysen, Representative Lowey, Senator Cochran and Senator Leahy:

The undersigned Attorneys General write to express our strong opposition to all legislation or budgetary items that would critically reduce the funding of the Environmental Protection Agency (EPA), as well as many of the crucial programs that it oversees. Recently, in the White House's 2018 budget blueprint, the President has proposed a 31 percent cut to the EPA's budget, the biggest cut of any federal agency.

Any bill or budgetary item that would eliminate or seriously reduce the funding of the EPA would critically damage the ability of our respective states to protect our citizens from violations of federal and state environmental laws. In the almost fifty years since the EPA was established our nation's air, water and other natural resources have become much cleaner, and the health and quality of life for millions of Americans has greatly improved. Decimating the EPA and states' ability to enforce the nation's environmental laws would bring us back to the dark days of environmental regulation before establishment of EPA in 1970, with rampant and toxic air pollution, devastating discharges of industrial effluents and raw sewage into our waterways, poisoning of drinking water by the uncontrolled dumping of hazardous waste, and the harmful effects of unchecked environmental degradation on our health and quality of life.

States are the primary implementers of the nation's environmental laws, regulations, and corresponding programs through the system of cooperative federalism. Congress included provisions in the major federal environmental statutes authorizing and encouraging states to assume authority over the federal programs and for the federal government to provide financial assistance to states to operate these federal programs. Major delegated programs include those under the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act (for both hazardous waste management and regulation of underground storage tanks). Our various state environmental agencies also receive significant funding from EPA to administer state Superfund and Brownfields programs, which help clean up contaminated sites that now threaten our communities so

they can be restored to productive use. Under the White House budget blueprint, these state programs are at risk.

In addition to annual program funding, the EPA also provides grants to the Clean Water State Revolving Loan Fund and Drinking Water State Revolving Loan Fund, which are essential to state and municipal projects to build needed water and waste-related infrastructure. The CWSRF has facilitated hundreds of wastewater, storm water, nonpoint sources, and green infrastructure projects. The CWSRF addresses the costs of ensuring safe drinking water supplies and assists small communities in meeting their responsibilities. The funding assistance provided to both small and large communities through this state–federal partnership has been instrumental in delivering safe and clean water for the American public. The White House budget blueprint puts the future of these infrastructure projects—and the public’s health and the many thousands of jobs they represent—at risk.

Moreover, the EPA’s ability to initiate a separate parallel enforcement action on federally delegated programs supports state enforcement actions in a consistent manner, without interference or favoritism, since there is always a “watch dog” to ensure federal law is being implemented on, at least, a baseline level across the country. Removal of this backstop would remove the federal law enforcement “floor” on state responses to federal violations, potentially creating a scenario where conduct that violates federal law is enforced in some states, but not in others. The resulting “uneven playing field” would create competitive imbalances for businesses and does not consistently protect the public from environmental harm.

Additionally, loss of funding for EPA oversight of Clean Air Act compliance would endanger the health of millions of individuals, including those with respiratory and cardiovascular issues and the elderly. The transport of air pollution across state borders, referred to as interstate air pollution transport, makes it difficult for downwind states to meet health-based air quality standards and protect their residents. The Clean Air Act’s “good neighbor” provision requires the EPA and states to address interstate transport of air pollution that affects downwind states’ ability to attain and maintain compliance with air quality standards for public health. Without active participation from the EPA, the only mechanism for states to address upwind sources of pollution is through lengthy, and costly, litigation.

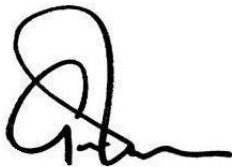
Finally, the EPA’s ability to undertake enforcement actions against large private and federal facilities is especially important, as state regulation of these facilities can be challenging due to their size and complexity. In these situations, EPA enforcement provides an even more powerful “backstop.” Loss of funding for this federal enforcement would allow large private and federal facilities to evade environmental regulation, resulting in serious environmental harm that the EPA has worked for decades to eradicate.

Since 1970, the EPA has steadily undertaken actions that have greatly improved our nation’s environment, health and quality of life. These actions should be applauded and

must have our continued investment and attention. A clean and healthy environment is part of what truly makes America great.

We strongly urge you to oppose any bill or budgetary item that would reduce funding for the Environmental Protection Agency. Thank you for your attention to this critical matter.

Sincerely,



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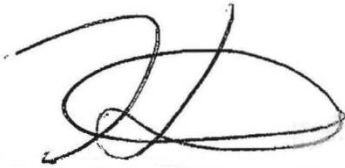
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cc: Hon. Paul Ryan, House Speaker
Hon. Nancy Pelosi, House Minority Leader
Hon. Mitch McConnell, Senate Majority Leader
Hon. Charles E. Schumer, Senate Minority Leader
Hon. Ken Calvert
Hon. Matt Cartwright
Hon. Katherine M. Clark
Hon. Susan Collins
Hon. Rosa L. DeLauro
Hon. Charles W. Dent
Hon. Richard Durbin
Hon. Andy Harris
Hon. Betty McCollum
Hon. Grace Meng
Hon. Jeff Merkley
Hon. Lisa Murkowski
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Hon. Chris Van Hollen
Hon. David Young